

stone County, enough guard rails to properly protect eight hundred (800) lineal feet around the city water tower, ground tank, and pump station.

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

SENT TO THE GOVERNOR

March 18, 1941

House Bill No. 445.

House Concurrent Resolution No. 11.

House Concurrent Resolution No. 60.

House Concurrent Resolution No. 61.

House Concurrent Resolution No. 62.

THIRTY-NINTH DAY

(Wednesday, March 19, 1941)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Leonard.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Chambers
Allen	Clark
Allison	Cleveland
Alsup	Coker
Avant	Colson, Mrs.
Bailey	Connelly
Baker	Craig
Bean	Crossley
Bell	Crosthwait
Benton	Daniel
Blankenship	Davis
Boone	Deen
Brawner	Dickson of Bexar
Bray	Dickson of Nolan
Bridgers	Donald
Brown	Dove
Bruhl	Dwyer
Bullock	Evans
Bundy	Ellis
Burkett	Eubank
Burnaman	Favors
Carlton	Ferguson
Carrington	Files
Cato	Fitzgerald
Celaya	Fuchs

Gandy	Manning
Garland	Markle
Gilmer	Martin
Goodman	Matthews
Halsey	Mills
Hanna	Montgomery
Hardeman	Moore
Hargis	Morgan
Harris of Dallas	Morris
Harris of Hill	Morse
Hartzog	Murray
Heflin	Nicholson
Helpinstill	Pace
Henderson	Parker
Hileman	Pevehouse
Hobbs	Phillips
Howard	Price
Howington	Rampy
Hoyo	Reed of Bowie
Huddleston	Reed of Dallas
Huffman	Ridgeway
Hughes	Roark
Humphrey	Roberts
Hutchinson	Rhodes
Isaacks	Senterfitt
Jones	Sharpe
Kelly	Shell
Kennedy	Simpson
Kersey	Skiles
Kinard	Smith of Bastrop
King	Smith of Atascosa
Klingeman	Spacek
Knight	Spangler
Lansberry	Stanford
Lehman	Stinson
Leyendecker	Stubbs
Little	Taylor
Love	Thornton
Lowry	Turner
Lucas	Vale
Lyle	Voigt
McAlister	Walters
McCann	Wattner
McDonald	Weatherford
McGlasson	White
McMurry	Whitesides
McNamara	Winfree

Absent—Excused

Anderson	McLellan
Duckett	Manford
Lock	Sallas

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Our Heavenly Father, the earth is Thy handiwork, and man is the creature of Thy power. We pray for a sin-cursed, war-torn world; and

especially just now we pray for wisdom and strength for our President in these singularly trying times. May we here be faithful and true to our trust, that at least in some way we may be helpful all along the line. In Christ's name. Amen."

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of illness:

Mr. McLellan for today on motion of Mr. Lyle.

Mr. Sallas and Mr. Lock for today on motion of Mr. Ferguson.

Mr. Hartzog for today on motion of Mr. Shell.

Mr. Manford for today and the balance of the week on motion of Mr. Kinard.

Mr. Anderson for today on motion of Mr. Dwyer.

COMMUNICATION

The Speaker laid before the House and had read the following communication:

Brenham, Texas,
March 17, 1941.

Hon. Homer Leonard, Speaker of the House, Austin, Texas.

Dear Sir: I wish to acknowledge receipt of a copy of H. S. R. No. 137, and to extend to the House of Representatives my deepest appreciation, both for the sentiment expressed in the resolution relative to my late husband, Sam D. W. Low, and for their kindness in sending me a copy.

Thank you.

Very sincerely,

MRS. SAM D. W. LOW.

BILLS REREFERRED

Mr. Skiles moved that Senate Bill No. 67 be withdrawn from the Committee on School Districts and referred to the Committee on Education.

The motion prevailed.

Mr. Donald moved that House Bill No. 661 be withdrawn from the Committee on Judiciary and Uniform

State Laws and referred to the Committee on Insurance.

Mr. Dickson of Bexar moved to table the motion by Mr. Donald.

The motion to table was lost.

Question then recurring on the motion by Mr. Donald to rerefer House Bill No. 661 to the Committee on Insurance, it prevailed.

BILL ORDERED NOT PRINTED

On motion of Mr. McAlister, House Bill No. 219 was ordered not printed.

TO AUTHORIZE THE LOAN OF CERTAIN HIGHWAY EQUIPMENT

Mr. Clark offered the following resolution:

H. C. R. No. 74, To Authorize the Loan of Certain Highway Equipment.

Whereas, The State Highway Department of Texas has a large quantity of discarded guard wire in Stephens and other near-by counties and within the highway district which includes Stephens County; and

Whereas, Several schools in Stephens County are situated so as that traffic is a hazard to the children of these schools; and

Whereas, Some of this discarded wire could be used to build a safeguard against such hazard to the children; now, therefore, be it

Resolved, by the House of Representatives of Texas, the Senate concurring, That the State Highway Department of Texas be authorized to loan to the above mentioned schools sufficient quantities of the discarded wire hereinabove mentioned to enable them to provide the needed safeguard; the said wire to be returned to the State Highway Department if and when requested.

The resolution was read second time and was adopted.

TO AUTHORIZE THE LOAN OF CERTAIN HIGHWAY EQUIPMENT

Mr. Allison offered the following resolution:

H. C. R. No. 75, Authorizing the Lending by State Highway Depart-

ment of Guard Wire to Granbury Independent School District.

Whereas, The State Highway Department of Texas has a large quantity of discarded guard wire in Hood County; and

Whereas, The Granbury Independent School District of Hood County anticipates a large number of people attending athletic events to be held in the near future; and

Whereas, Said Granbury Independent School grounds are adjacent to and bordering on Highway No. 377, over which traffic constitutes a menace to the school pupils; and

Whereas, It will be necessary and important to said school district to fence the grounds where said athletic events will be held; and

Whereas, It would be a great accommodation to said school district if the State Highway Department were permitted to loan said district 1200 feet of the discarded wire hereinabove mentioned for the purposes of fencing the grounds; now, therefore, be it

Resolved, by the House of Representatives, the Senate concurring, That the State Highway Department of Texas be authorized to loan to the School Board of the Granbury Independent School District sufficient quantities of the discarded wire hereinabove mentioned for the purposes as hereinabove set out, said school board to return such wire upon request of the State Highway Department; and it is so resolved.

The resolution was read second time and was adopted.

SENATE BILL NO. 70 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 70, A bill to be entitled "An Act to amend Section 8 of House Bill No. 440, Regular Session, 45th Legislature, Acts of 1937, Chapter 169, providing for the exemption for prescribing, administering, dispensing or selling at retail certain specified medicinal preparations, etc., and declaring an emergency."

The bill was read second time.

Mr. Simpson offered the following committee amendment to the bill:

Amend Section 1 of Senate Bill No. 70 by striking out the last paragraph thereof and substituting therefor the following:

"Nothing in this section shall be construed to limit the kind and quantity of any narcotic drug that may be prescribed, administered, dispensed, or sold, to any person or for the use of any person or animal, when it is prescribed, administered, dispensed, or sold, in compliance with the general provisions of this Act."

The committee amendment was adopted.

Mr. Reed of Bowie moved that further consideration of Senate Bill No. 70 be postponed until next Wednesday, March 26.

On motion of Mr. Kersey, the motion to postpone was tabled.

Mr. Cato offered the following amendment to the bill:

Amend Senate Bill No. 70 by adding the following sentence to the end of Section 2:

"Provided, however, any one can purchase one (1) ounce of paregoric for medicinal purposes without a prescription."

CATO,
LUCAS.

The amendment was adopted.

Mr. Reed of Bowie moved that Senate Bill No. 70 be recommitted to the Committee on Public Health.

The motion was lost.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

Senate Bill No. 70 was then passed to third reading.

Mr. Winfree moved to reconsider the vote by which Senate Bill No. 70 was passed to third reading, and to table the motion to reconsider.

The motion to table prevailed.

**MOTION TO PLACE SENATE BILL
NO. 70 ON THIRD READING**

Mr. Winfree moved that the Constitutional Rule requiring bills to be read on three several days be suspended and that Senate Bill No. 70 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—83

Allen	Hutchinson
Allison	Isaacks
Alsup	Kennedy
Avant	Kersey
Baker	Kinard
Bell	King
Benton	Lansberry
Blankenship	Leyendecker
Bridgers	Lyle
Bullock	McDonald
Bundy	McMurry
Burkett	Manning
Burnaman	Markle
Carlton	Martin
Cato	Matthews
Clark	Montgomery
Coker	Morse
Crossley	Murray
Crosthwait	Nicholson
Daniel	Parker
Dickson of Bexar	Pevehouse
Dickson of Nolan	Phillips
Donald	Price
Dove	Reed of Dallas
Dwyer	Ridgeway
Ellis	Roark
Eubank	Roberts
Ferguson	Senterfitt
Files	Sharpe
Fuchs	Simpson
Gandy	Smith of Bastrop
Gilmer	Smith of Atascosa
Halsey	Spacek
Hanna	Stubbs
Hargis	Taylor
Harris of Dallas	Turner
Harris of Hill	Vale
Heflin	Walters
Helpinstill	Weatherford
Henderson	White
Hoyo	Whitesides
Hughes	Winfree
Humphrey	

Nays—46

Bailey	Brawner
Boone	Bray

Brown	Little
Bruhl	Love
Carrington	Lowry
Chambers	Lucas
Connelly	McAlister
Craig	McCann
Davis	McGlasson
Evans	McNamara
Favors	Mills
Fitzgerald	Moore
Garland	Pace
Goodman	Rampy
Hileman	Reed of Bowie
Hobbs	Rhodes
Howard	Shell
Huddleston	Skiles
Jones	Spangler
Kelly	Thornton
Klingeman	Voigt
Knight	Wattner
Lehman	

Absent

Bean	Howington
Celaya	Huffman
Cleveland	Morgan
Colson, Mrs.	Morris
Deen	Stanford
Hardeman	Stinson
Hartzog	

Absent—Excused

Anderson	McLellan
Duckett	Manford
Lock	Sallas

**HOUSE BILL NO. 373 ON PAS-
SAGE TO ENGROSSMENT**

The Speaker laid before the House, as unfinished special order, on its passage to engrossment,

H. B. No. 373, A bill to be entitled "An Act further regulating the prescribing of liquor for medicinal purposes and the transportation, storage and sale thereof by amending subsection (11) and (16) of Section 15, Article 1, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by H. B. 5, Acts of the Regular Session of the Forty-fifth Legislature, and by the addition of a new subsection (19) to said Section 15, Article 1; prescribing penalties; providing saving clauses; and declaring an emergency."

The bill having heretofore been read second time with committee

amendment offered by Mr. Blankenship, pending.

Mr. Alsup offered the following amendment to the committee amendment:

Amend House Bill No. 373 by striking out all of the bill after line 35 on page 2, and substituting in lieu thereof the following:

(k) Sell or dispense any liquor upon a prescription bearing any statement or information known to be false.

(l) Sell or dispense any liquor without first carefully examining the prescription upon which such sale is made.

(m) Prepare any prescription for liquor.

(n) Fail to preserve and keep for a period of one (1) year for inspection of any representative of the Board, or any peace officer or county or district attorney, at all times, any prescription upon which liquor has been sold.

(o) Fail to make or keep and to produce upon demand of any representative of the Board, or any peace officer or county attorney or district attorney, for a period of one (1) year, any other records required by the Board to be made and kept.

(p) Fail to make any report to the Board within the time required for such report to be made.

(q) Make or cause to be made to the Board any report required to be made which is false in any particular.

(r) Fail or refuse to divulge to any representative of the Board or to any peace officer or to any county or district attorney any information concerning the purchase, storage, or disposal of liquor.

(s) Compensate in any manner any physician in this State for writing a prescription; or to guarantee to any physician any income, more or less, for the writing of prescriptions for liquor.

(t) Fail to affix to any container of liquor sold a label bearing in the English language the full name and address of the pharmacy making the sale, name and address of the physician prescribing, the full name and address of the patient to whom the sale is made, directions for use, and the signature of the

pharmacist filling the prescription; or to fail to place on such label the number of the prescriptions being filled.

(u) Purchase or acquire stocks of liquor from any other person except the holder of a Wholesaler's Permit in Texas.

(v) Sell or dispense any liquor, with or without a prescription, to any person under the age of twenty-one (21) years, unless such person presents with such prescription a written consent of a parent or guardian upon which liquor may be prescribed and sold to such person; or to fail to file written consent with the prescription for such liquor.

(w) Sell or dispense any liquor, with or without a prescription, to any person showing evidence of intoxication.

(x) Fail to produce prescriptions for each container of liquor disposed of or unaccounted for.

The Board shall have the right by rule and regulation to require the keeping of records and the making of reports such as it may deem necessary, and to pass rules and regulations governing permit holders in order to properly enforce the provisions of this Act.

The annual permit fee for a Medicinal Permit for pharmacies in dry areas shall be Fifty Dollars (\$50.00), and in wet areas the annual fee shall be the same as the annual fee for a Package Store Permit.

Sec. II. Amend Section 15, Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by H. B. 5, Acts of the Regular Session of the Forty-fifth Legislature, by the addition of a new subsection (19), to read as follows:

(19) Physician's Permits. A physician licensed by the State Board of Medical Examiners, authorizing the administration of internal medicine to human beings, may obtain a Physician's Permit. Such permit shall qualify such physician to write prescriptions for medical purposes, subject to restrictions herein contained.

No person who has been convicted for any violation of this Act, or who has had any permit provided by this Act cancelled within two (2) years preceding the date of filing an ap-

plication for a permit, shall be entitled to a Physician's Permit.

Each applicant for a permit must present with the application a certificate issued by the State Board of Medical Examiners, showing qualification to hold a permit under the terms of this Act.

The annual fee for such permit shall be One Dollar (\$1.00).

It shall be unlawful for any physician to:

(a) Prescribe liquor for any purpose unless he be the holder of a Physician's Permit.

(b) Prescribe liquor for any other than medicinal purposes.

(c) Issue prescriptions for liquor to any person without first having made a physical examination of the patient's person for the purpose of determining the disease or ailment afflicting such person.

(d) Issue to any person a prescription which does not bear thereon in the English language all of the information required by the specifications for prescriptions as defined by this Act.

(e) Accept any sort of compensation or guarantee as to income or material benefit from any holder of a Medicinal Permit for writing a prescription, or prescriptions, for medicinal liquor.

(f) Prescribe more than one (1) pint of liquor to any one person in any one day.

(g) Prescribe liquor to any person showing evidence of intoxication.

(h) Knowingly prescribe liquor to any person under any name other than the true name of the person for whom such liquor is intended.

(i) Prescribe liquor for any person under the age of twenty-one (21) years, unless with the written consent of such person's parent or guardian.

(j) Fail or refuse to make and keep for a period of two (2) years any record of prescriptions issued for liquor as may be required by the Board; or to fail to make any reports as and when required by the Board; or to fail to divulge any information or to produce any records as to the issuance of prescriptions when called upon to do so by any representative of the Board, or any

peace officer, or by any county or district attorney.

(k) Issue in the aggregate of more than One Hundred (100) prescriptions in any period of thirty (30) days, beginning from the date designated by such physician in any order placed with the Board for such prescriptions.

Forms for prescriptions as referred to herein shall be only those forms prescribed and furnished by the Board in such form and manner as the Board may by rule and regulations determine. Such prescriptions, when issued, must bear thereon the date of issuance; the name and address of the issuing physician; the name, address, sex, and age of the patient; diagnosis of the disease or ailment of the patient; amount and type of liquor prescribed; directions as to the use by the patient; and the signature of the issuing physician. The prescribing of liquor on any form not obtained from the Board or in any manner not meeting the requirements herein specified shall be in violation of this Act. The Board shall have authority to adopt such regulations as to the printing of and issuance of prescription blanks, the keeping of records of prescriptions issued, the making of reports, and the disposal of unused, mutilated or defaced blanks, as it may deem necessary to require physicians to strictly conform to the provisions of this Act.

Sec. III. Amend Subsection (II), Section 15, Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by H. B. 5, Acts of the Regular Session of the Forty-fifth Legislature, so as to hereafter read as follows:

(II) Carrier Permit. The word "carrier" when used in this section shall mean and include water carriers, airplane lines, all steam, electric, and motor power railway carriers, and common carrier motor carriers operating under a certificate of convenience and necessity issued by the Railroad Commission of Texas or such certificates issued by the Interstate Commerce Commission. The holders of such certificates shall be authorized to transport liquor into and out of this State and between points within this State.

Such carriers shall furnish such information concerning the transportation of liquor as may be required by the Board. The restrictions contained in this section shall not apply when in the course of an interstate or foreign shipment of liquor it is necessary to cross the State in the course of such transportation.

It shall be unlawful for any carrier to hold or store any liquor consigned to the holder of a Medicinal Permit for a period of time exceeding seventy-two (72) hours from the time of receipt, at any terminal or storage place where such liquor is to be received by the consignee.

The annual fee shall be Five Dollars (\$5.00).

Sec. IV. The amendment of any section or any portion of a section of the Texas Liquor Control Act by the enactment of this bill shall not affect or impair any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any cause before such amendment shall take effect; but every such act done or right vested or accrued, or proceeding, suit, or prosecution had or commenced shall remain in full force and effect to all intents as if such section or part thereof amended had remained in force. No offense committed and no liability, penalty, or forfeiture, either civil or criminal, incurred prior to the time when any section or part thereof shall be repealed or amended by this Act, shall be discharged or affected by such repeal or amendment; but prosecutions and suits for such offenses, liabilities, penalties, or forfeitures shall be instituted and proceeded with in all respects as if prior statute or part thereof had not been repealed or amended.

Sec. V. If any part, section, subsection, paragraph, sentence, clause, phrase, or word contained in this Act shall be held by the courts to be unconstitutional, such holding shall not affect the validity of the remaining portion of the Act; and the Legislature hereby declares that it would have passed such remaining portions despite such invalidity.

Sec. VI. The fact that the present law is inadequate to restrict the sales of liquor under Medicinal Permits to strictly medicinal purposes,

and that the Local Option Laws of this State are being largely nullified, thereby creates an emergency and an imperative public necessity that the Constitutional Rule requiring all bills to be read on three (3) several days in each House be suspended, and such rule is hereby suspended, and this Act shall take effect and be in force from and after its passage; and it is so enacted.

(Mr. Reed of Dallas in the Chair.)

Mr. Blankenship moved to table the amendment by Mr. Alsup.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—73

Allen	Humphrey
Avant	Hutchinson
Baker	Isaacks
Benton	Jones
Blankenship	Kennedy
Boone	King
Brawner	Klingeman
Bridgers	Knight
Bruhl	Lehman
Burkett	Leyendecker
Carlton	McCann
Carrington	McGlasson
Cato	Martin
Chambers	Matthews
Cleveland	Mills
Coker	Moore
Connelly	Morris
Crosthwait	Murray
Daniel	Pace
Davis	Price
Deen	Rampy
Dickson of Bexar	Reed of Bowie
Donald	Rhodes
Dove	Senterfitt
Ellis	Shell
Files	Simpson
Fitzgerald	Smith of Bastrop
Garland	Spacek
Gilmer	Stinson
Hardeman	Stubbs
Hargis	Turner
Helpinstill	Voigt
Hileman	Wattner
Hobbs	Weatherford
Huddleston	White
Huffman	Winfree
Hughes	

Nays—57

Allison	Lansberry
Alsup	Little
Bailey	Love
Bell	Lowry
Bray	Lucas
Brown	Lyle
Bullock	McAlister
Bundy	McMurry
Burnaman	McNamara
Celaya	Manning
Clark	Markle
Craig	Morgan
Crossley	Morse
Dickson of Nolan	Nicholson
Eubank	Parker
Favors	Pevehouse
Ferguson	Phillips
Fuchs	Ridgeway
Gandy	Roberts
Goodman	Sharpe
Halsey	Smith of Atascosa
Hanna	Spangler
Harris of Dallas	Stanford
Harris of Hill	Taylor
Henderson	Thornton
Howard	Vale
Hoyo	Walters
Kersey	Whitesides
Kinard	

Absent

Bean	Howington
Colson, Mrs.	Kelly
Dwyer	McDonald
Evans	Montgomery
Hartzog	Roark
Heflin	Skiles

Absent—Excused

Anderson	McLellan
Duckett	Manford
Lock	Sallas

Mr. Alsup offered the following amendment to the committee amendment:

Amend Committee Amendment No. 1 to House Bill No. 373 by striking out lines 23, 24, and 25 on page 3 of said bill.

(Speaker in the Chair.)

On motion of Mr. Blankenship, the amendment by Mr. Alsup was tabled.

Mr. Alsup offered the following amendment to the committee amendment:

Amend Committee Amendment No. 1 to House Bill No. 373 by inserting the word "knowingly" before the word "prescribe" on line 14 on page 5 of said bill.

The amendment was adopted.

Mr. Alsup offered the following amendment to the committee amendment:

Amend Committee Amendment No. 1 to House Bill No. 373 by striking out lines 28, 29, 30 and 31 on page 5 of said bill.

On motion of Mr. Blankenship, the amendment by Mr. Alsup was tabled.

Mr. Brawner moved the previous question on the committee amendment and the passage of House Bill No. 373 to engrossment, and the motion was duly seconded.

Question recurring on the motion for the main question, it was lost.

Mr. Alsup offered the following amendment to the committee amendment:

Amend Committee Amendment No. 1 to House Bill No. 373 by striking out lines 1 and 2 on page 3 of said bill.

Mr. Blankenship moved to table the amendment by Mr. Alsup.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—78

Allen	Connolly
Avant	Crosthwait
Bailey	Daniel
Baker	Davis
Benton	Deen
Blankenship	Donald
Boone	Dove
Brawner	Ellis
Bridgers	Evans
Bruhl	Ferguson
Burkett	Files
Burnaman	Fitzgerald
Carlton	Gandy
Carrington	Garland
Chambers	Hanna
Cleveland	Hargis
Coker	Helpinstill

Hileman	Matthews
Hobbs	Mills
Howington	Moore
Huddleston	Morris
Huffman	Murray
Hughes	Pace
Humphrey	Price
Hutchinson	Rampy
Isaacks	Reed of Bowie
Jones	Rhodes
Kelly	Senterfitt
Kennedy	Shell
King	Simpson
Klingeman	Skiles
Knight	Smith of Bastrop
Lehman	Spacek
Leyendecker	Stinson
Love	Turner
McCann	Voigt
McDonald	Weatherford
McGlasson	White
Martin	Winfree

Nays—56

Allison	Little
Alsup	Lowry
Bell	Lucas
Bray	Lyle
Brown	McAlister
Bullock	McMurry
Bundy	McNamara
Cato	Manning
Celaya	Markle
Clark	Morgan
Craig	Morse
Crossley	Nicholson
Dickson of Bexar	Parker
Dickson of Nolan	Pevehouse
Dwyer	Phillips
Eubank	Reed of Dallas
Favors	Ridgeway
Fuchs	Roark
Gilmer	Roberts
Halsey	Smith of Atascosa
Harris of Dallas	Stanford
Harris of Hill	Stubbs
Hartzog	Taylor
Henderson	Thornton
Hoyo	Vale
Kersey	Walters
Kinard	Wattner
Lansberry	Whitesides

Absent

Bean	Howard
Colson, Mrs.	Montgomery
Goodman	Sharpe
Hardeman	Spangler
Heflin	

Absent—Excused

Anderson	McLellan
Duckett	Manford
Lock	Sallas

Mr. Hileman moved the previous question on the committee amendment and the engrossment of House Bill No. 373, and the motion was duly seconded.

Question recurring on the motion for the main question, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—71

Allen	Isaacks
Avant	Jones
Bailey	Kelly
Baker	Kennedy
Benton	Kinard
Blankenship	King
Boone	Klingeman
Brawner	Knight
Bridgers	Lehman
Bruhl	Leyendecker
Burkett	Love
Carlton	Lucas
Carrington	McCann
Cleveland	Martin
Connelly	Matthews
Crosthwait	Mills
Deen	Moore
Dickson of Bexar	Morris
Donald	Murray
Dove	Pace
Dwyer	Price
Ellis	Rampy
Evans	Reed of Bowie
Ferguson	Senterfitt
Files	Shell
Fitzgerald	Simpson
Gandy	Skiles
Garland	Smith of Bastrop
Halsey	Spacek
Hargis	Stubbs
Helpinstill	Turner
Hileman	Voigt
Hobbs	Weatherford
Huddleston	White
Huffman	Winfree
Humphrey	

Nays—62

Allison	Bray
Alsup	Brown
Bell	Bullock

Bundy	Lyle
Burnaman	McAlister
Cato	McGlasson
Celaya	McMurry
Chambers	McNamara
Clark	Manning
Coker	Markle
Craig	Morgan
Crossley	Morse
Daniel	Nicholson
Davis	Parker
Dickson of Nolan	Pevehouse
Eubank	Phillips
Favors	Reed of Dallas
Fuchs	Ridgeway
Gilmer	Roberts
Hanna	Rhodes
Harris of Dallas	Sharpe
Harris of Hill	Smith of Atascosa
Hartzog	Spangler
Henderson	Stanford
Howington	Stinson
Hoyo	Taylor
Hughes	Thornton
Kersey	Vale
Lansberry	Walters
Little	Wattner
Lowry	Whitesides

Absent

Bean	Howard
Colson, Mrs.	Hutchinson
Goodman	McDonald
Hardeman	Montgomery
Heflin	Roark

Absent—Excused

Anderson	McLellan
Duckett	Manford
Lock	Sallas

Question recurring on the adoption of the committee amendment, as amended, yeas and nays were demanded.

The committee amendment, as amended, was adopted by the following vote:

Yeas—107

Allen	Bridgers
Avant	Bruhl
Bailey	Bullock
Baker	Bundy
Bell	Burkett
Benton	Burnaman
Blankenship	Carlton
Boone	Carrington
Brawner	Cato
Bray	Chambers

Cleveland	Leyendecker
Coker	Love
Connelly	Lucas
Craig	McCann
Crossley	McDonald
Crosthwait	McGlasson
Daniel	Manning
Davis	Markle
Deen	Martin
Dickson of Bexar	Matthews
Dickson of Nolan	Mills
Donald	Moore
Dove	Morris
Ellis	Murray
Eubank	Pace
Evans	Parker
Favors	Pevehouse
Ferguson	Price
Files	Rampy
Fitzgerald	Reed of Bowie
Gandy	Reed of Dallas
Garland	Roberts
Gilmer	Rhodes
Halsey	Senterfitt
Hargis	Sharpe
Harris of Dallas	Simpson
Helpinstill	Skiles
Hileman	Smith of Bastrop
Hobbs	Smith of Atascosa
Howington	Spacek
Huddleston	Stanford
Huffman	Stinson
Hughes	Stubbs
Humphrey	Thornton
Hutchinson	Turner
Isaacks	Vale
Jones	Voigt
Kelly	Walters
Kennedy	Wattner
King	Weatherford
Klingeman	White
Knight	Whitesides
Lansberry	Winfree
Lehman	

Nays—23

Allison	Little
Alsup	Lowry
Brown	Lyle
Celaya	McAlister
Dwyer	McMurry
Fuchs	McNamara
Hanna	Morse
Hartzog	Phillips
Howard	Ridgeway
Hoyo	Spangler
Kersey	Taylor
Kinard	

Absent

Bean	Colson, Mrs.
Clark	Goodman

Hardeman	Morgan
Harris of Hill	Nicholson
Heflin	Roark
Henderson	Shell
Montgomery	

Absent—Excused

Anderson	McLellan
Duckett	Manford
Lock	Sallas

Mr. Blankenship offered the following amendment to the bill:

Amend House Bill No. 373 by striking out all above the enacting clause and inserting in lieu thereof the following:

A BILL

To Be Entitled

An Act further regulating the prescribing of liquor for medicinal purposes and the transportation, storage and sale thereof by amending subsections (11) and (18) of Section 15, Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by H. B. 5, Acts of the Regular Session of the Forty-fifth Legislature, and by the addition of a new subsection (19) to said Section 15, Article I; prescribing penalties; providing saving clauses; and declaring an emergency.

WINFREE.

The amendment was adopted.

House Bill No. 373 was then passed to engrossment by the following vote:

Yeas—112

Allen	Carlton
Allison	Carrington
Avant	Cato
Bailey	Chambers
Baker	Clark
Bell	Cleveland
Benton	Coker
Blankenship	Colson, Mrs.
Boone	Connelly
Brawner	Craig
Bridgers	Crossley
Bruhl	Crosthwait
Bullock	Daniel
Bundy	Davis
Burkett	Deen
Burnaman	Dickson of Bexar

Dickson of Nolan	Manning
Donald	Markle
Dove	Martin
Ellis	Matthews
Eubank	Mills
Evans	Moore
Favors	Morgan
Ferguson	Morris
Files	Murray
Fitzgerald	Pace
Gandy	Parker
Garland	Pevehouse
Gilmer	Phillips
Halsey	Price
Hanna	Rampy
Hargis	Reed of Bowie
Harris of Dallas	Reed of Dallas
Helpinstill	Roberts
Hileman	Rhodes
Hobbs	Senterfitt
Howington	Sharpe
Huddleston	Shell
Huffman	Simpson
Hughes	Skiles
Humphrey	Smith of Bastrop
Hutchinson	Smith of Atascosa
Isaacks	Spacek
Jones	Stanford
Kelly	Stinson
Kennedy	Stubbs
King	Thornton
Klingeman	Turner
Knight	Vale
Lehman	Voigt
Leyendecker	Walters
Love	Wattner
Lucas	Weatherford
McCann	White
McDonald	Whitesides
McGlasson	Winfree

Nays—22

Alsup	Lansberry
Bray	Little
Brown	Lowry
Celaya	Lyle
Dwyer	McAlister
Fuchs	McMurry
Hartzog	McNamara
Henderson	Morse
Howard	Ridgeway
Hoyo	Spangler
Kersey	Taylor

Absent

Bean	Kinard
Goodman	Montgomery
Hardeman	Nicholson
Harris of Hill	Roark
Heflin	

Absent—Excused

Anderson	McLellan
Duckett	Manford
Lock	Sallas

Mr. Hanna moved to reconsider the vote by which House Bill No. 373 was passed to engrossment.

Mr. Blankenship moved to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—87

Allen	Jones
Avant	Kelly
Bailey	Kennedy
Baker	King
Blankenship	Klingeman
Boone	Knight
Brawner	Leyendecker
Bridgers	Love
Bruhl	Lucas
Burkett	McCann
Burnaman	McDonald
Carlton	McGlasson
Carrington	Manning
Cleveland	Markle
Colson, Mrs.	Martin
Connelly	Matthews
Crosthwait	Mills
Daniel	Moore
Davis	Morgan
Deen	Morris
Dickson of Bexar	Murray
Dickson of Nolan	Pace
Donald	Parker
Dove	Pevehouse
Ellis	Price
Evans	Rampy
Ferguson	Reed of Bowie
Fitzgerald	Rhodes
Gandy	Senterfitt
Garland	Shell
Gilmer	Simpson
Hargis	Skiles
Harris of Hill	Smith of Bastrop
Helpinstill	Stanford
Hileman	Stinson
Hobbs	Stubbs
Howington	Turner
Huddleston	Vale
Huffman	Voigt
Hughes	Walters
Hutchinson	Wattner
Isaacks	Weatherford

White
Whitesides

Winfree

Nays—43

Allison	Howard
Alsup	Hoyo
Bell	Kersey
Bray	Lansberry
Brown	Little
Bullock	Lowry
Bundy	Lyle
Cato	McAlister
Celaya	McMurry
Chambers	McNamara
Clark	Montgomery
Coker	Morse
Craig	Phillips
Crossley	Reed of Dallas
Dwyer	Ridgeway
Eubank	Roberts
Favors	Sharpe
Fuchs	Spacek
Halsey	Spangler
Hanna	Taylor
Harris of Dallas	Thornton
Henderson	

Absent

Bean	Humphrey
Benton	Kinard
Files	Lehman
Goodman	Nicholson
Hardeman	Roark
Hartzog	Smith of Atascosa
Heflin	

Absent—Excused

Anderson	McLellan
Duckett	Manford
Lock	Sallas

Mr. Kersey moved that the House adjourn until 10:00 a. m. tomorrow.

Question recurring on the motion to adjourn, yeas and nays were demanded.

The motion to adjourn was lost by the following vote:

Yeas—35

Alsup	Harris of Dallas
Brown	Harris of Hill
Bullock	Henderson
Bundy	Howard
Craig	Howington
Favors	Hughes
Fuchs	Hutchinson
Halsey	Kersey
Hanna	Kinard

Lansberry
Little
Lyle
McAlister
McGlasson
McNamara
Montgomery
Morgan
Morse

Reed of Dallas
Roberts
Smith of Atascosa
Spangler
Taylor
Thornton
Walters
Whitesides

Nays—96

Allen
Allison
Avant
Bailey
Baker
Bell
Benton
Blankenship
Boone
Brawner
Bray
Bridgers
Bruhl
Burkett
Burnaman
Carlton
Carrington
Cato
Chambers
Clark
Cleveland
Coker
Colson, Mrs.
Connelly
Crossley
Crosthwait
Daniel
Davis
Deen
Dickson of Bexar
Dickson of Nolan
Donald
Dwyer
Ellis
Eubank
Ferguson
Files
Fitzgerald
Gandy
Garland
Gilmer
Hargis
Heflin
Helpinstill
Hileman
Hobbs
Hoy
Huddleston
Huffman

Humphrey
Isaacks
Jones
Kelly
Kennedy
King
Klingeman
Knight
Leyendecker
Love
Lowry
Lucas
McCann
McDonald
McMurry
Manning
Markle
Martin
Matthews
Mills
Moore
Morris
Murray
Pace
Parker
Pevehouse
Price
Rampy
Reed of Bowie
Ridgeway
Rhodes
Senterfitt
Sharpe
Shell
Simpson
Skiles
Smith of Bastrop
Spacek
Stanford
Stinson
Stubbs
Turner
Vale
Voigt
Wattner
Weatherford
White
Winfree

Absent

Bean
Celaya
Dove
Evans
Goodman
Hardeman
Hartzog
Lehman
Nicholson
Phillips
Roark

Absent—Excused

Anderson
Duckett
Lock
McLellan
Manford
Sallas

MOTION TO PLACE HOUSE BILL
NO. 373 ON THIRD READING

Mr. Blankenship moved that the Constitutional Rule requiring bills to be read on three several days be suspended and that House Bill No. 373 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—102

Allen
Avant
Bailey
Baker
Benton
Blankenship
Boone
Brawner
Bridgers
Bruhl
Burkett
Burnaman
Carlton
Carrington
Cato
Chambers
Cleveland
Coker
Colson, Mrs.
Connelly
Crossley
Crosthwait
Daniel
Davis
Deen
Dickson of Bexar
Dickson of Nolan
Donald
Ellis
Evans
Ferguson
Files
Fitzgerald
Gandy
Garland
Gilmer
Hanna
Hardeman
Hargis
Harris of Dallas
Hartzog
Heflin
Helpinstill
Hileman
Hobbs
Howington
Hoyo
Huddleston
Huffman
Hughes
Humphrey
Hutchinson
Isaacks
Jones
Kelly
Kennedy
King
Klingeman
Knight
Love
Lucas
McCann
McDonald
McGlasson

Manning	Sharpe
Markle	Shell
Martin	Simpson
Matthews	Skiles
Mills	Smith of Bastrop
Montgomery	Spacek
Moore	Stanford
Morgan	Stinson
Morris	Stubbs
Murray	Taylor
Pace	Turner
Pevehouse	Vale
Phillips	Voigt
Price	Walters
Rampy	Wattner
Reed of Bowie	Weatherford
Reed of Dallas	White
Rhodes	Whitesides
Senterfitt	Winfree

Nays—31

Allison	Kersey
Alsup	Lansberry
Bell	Little
Bray	Lowry
Brown	Lyle
Bullock	McAlister
Celaya	McMurry
Craig	McNamara
Clark	Morse
Eubank	Parker
Favors	Ridgeway
Fuchs	Roberts
Halsey	Smith of Atascosa
Harris of Hill	Spangler
Henderson	Thornton
Howard	

Absent

Bean	Kinard
Bundy	Lehman
Dove	Leyendecker
Dwyer	Nicholson
Goodman	Roark

Absent—Excused

Anderson	McLellan
Duckett	Manford
Lock	Sallas

BILL REREFERRED

Mr. Whitesides moved that House Bill No. 337 be withdrawn from the Committee on Agriculture and referred to the Committee on Appropriations.

The motion prevailed.

RELATIVE TO HOUSE BILL
NO. 189

Mr. Avant was granted unanimous consent of the House to withdraw his name from House Bill No. 189.

ADDITIONAL SIGNERS OF
HOUSE BILL

By unanimous consent of the House, the following Members were authorized to sign bill as coauthors of same, as follows:

Mr. Eubank, Mr. Clark and Mr. Howington: House Bill No. 675.

MESSAGE FROM THE SENATE

Austin, Texas, March 19, 1941.

Hon. Homer Leonard, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted the following:

H. C. R. No. 72, Designating Mrs. Bess Odell Beeman, Texas Poet of Radio for the next two years.

H. C. R. No. 71, Inviting His Excellency, the President of the United States, to address a Joint Assembly of the House and Senate.

Passed

H. B. No. 303, A bill to be entitled "An Act making it unlawful to kill, or attempt to kill, wild turkey or trap or molest same in Colorado, Wharton, Lavaca, and Jackson Counties, etc.; and declaring an emergency."

H. B. No. 330, A bill to be entitled "An Act amending Senate Bill No. 355, same being Chapter 338, Acts of the Regular Session of the Forty-fourth Legislature, as amended by Senate Bill No. 309, same being Chapter 341, Acts of the Forty-fifth Legislature, as amended by Senate Bill No. 99, Acts of the Regular Session of the Forty-sixth Legislature, by adding a new section prescribing the procedure to be followed by the Assessor and Collector of Taxes of Coleman County, Texas, in paying over to the Central Colorado River Authority the moneys granted said Authority under the provisions of

Section 17a of S. B. No. 99, Acts of the Regular Session of the Forty-sixth Legislature; and declaring an emergency."

S. B. No. 147, A bill to be entitled "An Act authorizing the Board of Directors of the Agricultural and Mechanical College of Texas to acquire and maintain and operate airports for said institution and its branches, etc.; and declaring an emergency."

H. B. No. 159, A bill to be entitled "An Act relating to marks and brands of live stock in Gonzales County only, etc.; and declaring an emergency."

Respectfully,

BOB BARKER,

Secretary of the Senate.

SENATE BILL ON FIRST READING

The following Senaté bill, received from the Senate today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

S. B. No. 147, to the Committee on Education.

RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled resolutions:

H. C. R. No. 69, In Memory of Honorable R. M. Johnson.

H. C. R. No. 72, Naming Mrs. Bess Odell Beeman Texas Poet of Radio.

H. C. R. No. 71, Inviting Honorable Franklin Delano Roosevelt to Address a Joint Session of the Legislature.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Craig:

H. B. No. 757, A bill to be entitled "An Act creating a special road law for Hartley County, Texas; authorizing the Commissioners' Court to issue funding or refunding bonds or warrants in lieu of certain scrip warrants or time warrants, or both, and validating such warrants; providing the method of issuing the same; making it the duty of the Commissioners' Court to levy a tax sufficient to pay principal and interest as they mature and accrue; making the general laws pertaining to roads and bridges applicable to Hartley County, Texas, and providing that the provisions of this Act shall be effective in case of conflict with any general or special law; providing that if any portion of this Act shall be held invalid, such holding shall not affect the other portions hereof; enacting other provisions relating to the subject; and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Rampy:

H. B. No. 758, A bill to be entitled "An Act creating a special road law for Coke County, Texas; providing that said county may fund or refund into coupon bonds the scrip and time warrants outstanding against its road and bridge fund as of the 28th day of February, 1941; setting forth the method of said funding or refunding; validating all acts of the Commissioners' Court in issuing said scrip and time warrants; validating said scrip and time warrants; providing the general laws of the State of Texas shall be applicable to Coke County when not in conflict herewith; providing this Act shall be cumulative of all general and special laws not in conflict herewith; providing a saving clause; and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Martin:

H. B. No. 759, A bill to be entitled "An Act fixing the compensation of Tax Assessor-Collector in all counties having a population of more

than Seventy Thousand (70,000) and not more than Eighty Thousand (80,000) according to the last preceding Federal Census, and with an assessed valuation of more than Forty Million (\$40,000,000.00) Dollars; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Davis:

H. B. No. 760, A bill to be entitled "An Act providing that it shall not be unlawful for any person to catch, trap, shoot, or kill any wild fox in McLennan County, Texas, but making it a misdemeanor to sell or offer to sell the pelt or pelts thereof and providing a penalty; providing that it shall not be unlawful for any person to shoot, kill, or to set a steel trap, snare, or deadfall for the purpose of taking any other fur-bearing animal in McLennan County, Texas, nor to sell the pelt or pelts thereof; making the provisions of this law cumulative of all general laws on the subject not in conflict herewith and repealing all laws in conflict with the provisions of this Act; and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Evans:

H. B. No. 761, A bill to be entitled "An Act to amend Article 2955 of the Revised Civil Statutes of 1925 providing for qualifications to vote in all governmental and primary elections in the State of Texas, and repealing all laws and parts of laws in conflict herewith."

Referred to the Committee on Privileges, Suffrage and Elections.

Mr. Stanford asked unanimous consent to introduce at this time and have placed on first reading House Bill No. 762.

There was no objection.

The Speaker then laid the bill before the house, it was read first time and referred to the appropriate committee, as follows:

By Mr. Stanford and Mr. Carrington:

H. B. No. 762, A bill to be entitled "An Act making a supplemental appropriation out of the General Revenue of the State of Texas for the Department of Public Safety for the support and maintenance of the Certificate of Title Section of the Driver's License Division of said Department; and declaring an emergency."

Referred to the Committee on Appropriations.

Mr. Morgan asked unanimous consent to introduce at this time and have placed on first reading House Bill No. 763.

There was no objection.

The Speaker then laid the bill before the House, it was read first time and referred to the Appropriate Committee, as follows:

By Mr. Morgan and Mr. Wattner:

H. B. No. 763, A bill to be entitled "An Act amending Section 1, Chapter 342, Acts of the 44th Legislature, which amended Section 1, Chapter 56, Acts of the 43rd Legislature, First Called Session, which amended Chapter 27, Acts of the 42nd Legislature, which amended Section 2, Chapter 18, Acts of the 41st Legislature, Fifth Called Session, to provide a Three Dollar (\$3.00) temporary registration fee for all motor vehicles driven or towed into this State for sale herein, providing that the regular dealers' license as issued by the State shall not serve in lieu of the special license as provided herein; and declaring an emergency."

Referred to the Committee on Highways and Motor Traffic.

Mr. Morgan asked unanimous consent to introduce at this time and have placed on first reading House Bill No. 764.

There was no objection.

The Speaker then laid the bill before the House, it was read first time and referred to the appropriate committee, as follows:

By Mr. Morgan and Mr. Wattner:

H. B. No. 764, A bill to be entitled "An Act providing that it shall be unlawful to sell as a new automo-

bile any automobile which has been driven under its own power or towed from the factory, or from any distribution center, or from any point more than one hundred miles distant from the place of sale, without informing the purchaser thereof of such fact; providing what the substance of such information shall be; providing that any violation of the provisions of this Act shall be a misdemeanor; and fixing the penalty therefor; and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

Mr. Lyle asked unanimous consent to introduce at this time and have placed on first reading House Bill No. 765.

There was no objection.

The Speaker then laid the bill before the House, it was read first time and referred to the appropriate committee, as follows:

By Mr. Lyle:

H. B. No. 765, A bill to be entitled "An Act to amend House Bill No. 427, Acts 42nd Legislature, Regular Session, providing that all officers and employees of the State of Texas, any county or political subdivision thereof, including municipalities, who are members of the National Guard, National Guard Reserves, or Organized Reserves of the Army or Navy of the United States, shall be entitled to leave of absence without loss of pay or efficiency rating during such days as they may attend training ordered or authorized under provisions of law; limiting the period of absence with pay to twelve (12) days in any one calendar year; providing that such limitation to twelve (12) days absence with pay shall not apply to Members of the Legislature; and declaring an emergency."

Referred to the Committee on Appropriations.

Mr. Kinard asked unanimous consent to introduce at this time and have placed on first reading House Bill No. 766.

There was no objection.

The Speaker then laid the bill before the House, it was read first time and referred to the appropriate committee, as follows:

By Mr. Kinard and Mr. Burnaman:

H. B. No. 766, A bill to be entitled "An Act creating the 128th District Court of Texas; prescribing its jurisdiction; limiting its existence; fixing its terms; providing for the appointment of a Judge thereof, fixing his compensation; making an appropriation for the same; prescribing the powers and duties of said court and of the Judge thereof; providing for the transfer of cases and proceedings from the First Judicial District Court to said 128th District Court, and from said 128th District Court to the First Judicial District Court; providing for the appointment of an Assistant District Attorney to prosecute cases in said 128th District Court; making an appropriation for his salary; providing for the District Clerks of Orange and Newton Counties and their successors in office to be the Clerks for the said 128th District Court in their respective counties; providing a seal for said 128th District Court; and providing for the continuation of the First Judicial District of Texas, and for the continuation of the terms and time of holding court in the several counties constituting said First Judicial District as now existing; repealing all laws or parts of laws in conflict herewith; providing that if any part of this Act be held unconstitutional or invalid for any reason, the same shall not impair or affect the remaining part thereof; and declaring an emergency."

Referred to the Committee on Judicial Districts.

Mr. Hileman asked unanimous consent to introduce at this time and have placed on first reading House Bill No. 767.

There was no objection.

The Speaker then laid the bill before the House, it was read first time and referred to the appropriate committee, as follows:

By Mr. Hileman, Mr. Fitzgerald and Mr. Helpinstill:

H. B. No. 767, A bill to be entitled "An Act prohibiting the restriction, by the Railroad Commission of Texas, of the production of crude petroleum oil from fields in Texas when the producing or proven territory thereof extends beyond the limits of the State, and declaring an emergency."

Referred to the Committee on State Affairs.

Mr. McDonald asked unanimous consent to introduce at this time and have placed on first reading House Bill No. 768.

There was no objection.

The Speaker then laid the bill before the House, it was read first time and referred to the appropriate committee, as follows:

By Mr. McDonald, Mr. Halsey, Mr. Skiles, Mr. Stanford, Mr. Carrington, Mr. Cleveland and Mr. Eubank:

H. B. No. 768, A bill to be entitled "An Act relating to the subject of bonds, notes and warrants heretofore issued by the Board of Regents of the University of Texas, the Board of Directors of the Agricultural and Mechanical College, the Board of Directors of the Texas Technological College, the Board of Regents of the State Teachers Colleges, the Board of Regents of the Texas State College for Women, and the Board of Directors of the Texas College of Arts and Industries, under Chapter 5, Acts of the Second Called Session of the Forty-third Legislature and amendments thereto, and all other laws, including the validating of the bonds, warrants and notes issued by said boards, the resolutions and other proceedings authorizing the issuance and the provisions made for the payment of principal and interest of such bonds, warrants and notes; and making it the duty of said boards to fix, maintain and collect charges or rates sufficient to pay interest and principal as it accrues and matures on bonds, warrants and notes heretofore or hereafter issued, (pursuant to resolutions heretofore adopted), and to create and maintain reasonable reserves as prescribed in resolutions authorizing the issuance of such securities, and declaring an emergency."

Referred to the Committee on Education.

Mr. Gilmer asked unanimous consent to introduce at this time and have placed on first reading House Bill No. 769.

There was no objection.

The Speaker then laid the bill before the House, it was read first time and referred to the appropriate committee, as follows:

By Mr. Gilmer:

H. B. No. 769, A bill to be entitled "An Act amending Section 1, Chapter 83, Acts of the 41st Legislature, to provide that cities or counties acquiring land for the maintenance and conduct of an airport may respectively lease such land to the county in which said city is located, or to any city in said county; and providing that any city and/or county maintaining and conducting an airport, or acquiring land for the maintenance or conduct of an airport, may lease said property to the Government of the United States, or to any individual, for the purpose of maintaining and conducting an airport; and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

Mr. Boone asked unanimous consent to introduce at this time and have placed on first reading House Bill No. 770.

There was no objection.

The Speaker then laid the bill before the House, it was read first time and referred to the appropriate committee, as follows:

By Mr. Boone:

H. B. No. 770, A bill to be entitled "An Act amending Sections 1, 2, 3, 4, and 9 of Acts 1931, Chapter 177, S. B. No. 383, 42nd Legislature, Regular Session, and Section 6 of said Acts 1931, Chapter 177, as amended by H. B. No. 1016, Chapter 490, Acts of the 45th Legislature, by changing residence requirements of petitioner, and redefining venue; except in counties having Juvenile Boards prescribing duties of the Division of Child Welfare, State Department of Public Welfare, or its

designated agent or representative, in respect to investigation for the courts in adoption proceedings; providing method of designating agents or representatives of said Division; providing that the Juvenile Board in counties with such boards shall designate the person or agent to make such investigation; providing generally for uniform minimum standards of investigation and reporting for all courts except in counties having Juvenile Boards; providing that statistical reports shall be made to said Division; prescribing conditions and specifying method of waiving six months residence of child in home of petitioner; providing for minimum and maximum time for investigation and report prior to time of hearing; requiring court approval of the consent for adoption where under certain circumstances custody of child has been transferred by the court; providing that in the discretion of the court a release to a licensed agency or institution authorizing placement for adoption be valid consent to adoption in a particular proceedings; making all evidence of consent to adoption part of the records of the court; providing manner of inheriting of adopted child from adopting parents and kin; provision for inheritance by an adopted child from its natural parents; providing for change of name; and time of taking effect."

Referred to the Committee on State Affairs.

Mr. Boone asked unanimous consent to introduce at this time and have placed on first reading House Bill No. 771.

There was no objection.

The Speaker then laid the bill before the House, it was read first time and referred to the appropriate committee, as follows:

By Mr. Boone:

H. B. No. 771, A bill to be entitled "An Act defining certain words and phrases; providing that no person shall place a child or shall own, conduct, or manage a child-placing agency, day nursery, children's boarding home, children's institution or other place for care and custody of children under sixteen (16) years

of age, or shall solicit funds for child welfare or for any such place, home or institution aforesaid, without first obtaining an annual license from the Division of Child Welfare, State Department of Public Welfare, which license shall be issued without fee, and under such reasonable and uniform rules and regulations as said Department shall prescribe upon approval by State Board of Public Welfare. Certain exceptions stipulated, viz.: parents or guardians living in same home; children related to foster parents; or placements made directly by a parent or guardian with a licensed agency, or in a boarding home or institution licensed by said Division, or from a free foster parent receiving such child or children in such home. Other exceptions specified, viz.: care and maintenance are provided by hospitals, or institutions operating primarily for educational purposes under certain circumstances; manner of issuing license; requiring agencies or institutions to each have a board of managers of five (5) or more persons; requiring such persons to keep records and make reports as may be reasonably prescribed and making it the duty of said Division or an authorized representative of same to inspect such places and institutions; providing for revocation and suspension of licenses and requiring such person to be first notified in writing the grounds of such proposed revocation, suspension or refusal of renewal and giving licensee opportunity of fair hearing prior to such revocation. Making it unlawful for a person to advertise that he will adopt a child or to advertise child-placing or any child for placement or that he charges or to actually charge or receive compensation for placement, transfer of guardianship, administrative costs, or to charge or receive from the prospective or actual foster parents the cost of care and maintenance of a child which was incurred prior to its placement in such foster home. Providing for the enjoining of any such person violating certain provisions of this Act, in a suit brought by the Attorney General, District or County Attorney of any county in which said act or acts occur; providing for penalty;

in any prosecution placing burden of proof on defendant when in defense he relies upon the relationship of any child to himself; repealing H. B. No. 474, 41st Legislature; and S. B. No. 396, 44th Legislature; and all laws and parts of laws in conflict; saving clause; declaring an emergency."

Referred to the Committee on State Affairs.

ADJOURNMENT

On motion of Mr. Celaya, the House at 12:40 o'clock p. m. adjourned until 10:00 o'clock a. m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following Committees have filed favorable reports on bills, as follows:

Agriculture: H. B. Nos. 15 and 444.

Liquor Traffic: H. B. No. 350.

Public Lands and Buildings: H. B. No. 235.

State Affairs: H. B. Nos. 42, 59 and 219.

Insurance: H. B. Nos. 60 and 479.

Criminal Jurisprudence: H. B. Nos. 738 and 741.

Appropriations: H. B. Nos. 63, 581 and 765.

Highways and Motor Traffic: H. B. Nos. 205 and 296.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas, March 18, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. J. R. No. 4, Proposing an amendment to the Constitution of the State of Texas regulating the eligibility of civil officers and employees of this State as candidates for nomination for, or election to, an

elective office of honor, trust, or emolument.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 18, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. J. R. No. 10, Proposing an amendment to the Constitution of the State of Texas, by amending Section 19 of Article 16, so as to provide that the qualification of no person to serve as juror shall be denied or abridged on account of sex; providing that existing provisions of the Constitution shall be construed in conformity herewith; providing for the submission of this amendment to a vote of the people of Texas; providing the time, means, and manner thereof; and making an appropriation for such purpose.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 19, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 74, Authorizing the State Highway Department of Texas to lend a quantity of discarded guard wire to several schools in Stephens County.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 19, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 75, Authorizing the lending by State Highway Department of guard wire to Granbury Independent School District.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

REPORTS OF THE COMMITTEE ENROLLED BILLS

Austin, Texas, March 19, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 71, Inviting His Excellency, The President of the United States, to address a Joint Assembly of the Texas House of Representatives and Senate.

Has carefully compared same and finds it correctly enrolled.

MURRAY, Vice Chairman.

Austin, Texas, March 18, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 69, Expressing regret at the death of the Honorable R. M. (Bob) Johnson.

Has carefully compared same and finds it correctly enrolled.

MURRAY, Vice Chairman.

Austin, Texas, March 19, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 72, Designating Mrs. Bess Odell Beeman, Texas Poet of Radio for the next two years.

Has carefully compared same and finds it correctly enrolled.

MURRAY, Vice Chairman.

SENT TO THE GOVERNOR

March 19, 1941

House Concurrent Resolution No. 69.

House Concurrent Resolution No. 71.

House Concurrent Resolution No. 72.

FORTIETH DAY

(Thursday, March 20, 1941)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and

was called to order by Speaker Leonard.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Hargis
Allen	Harris of Dallas
Allison	Harris of Hill
Alsup	Hartzog
Avant	Heflin
Bailey	Helpinstill
Baker	Henderson
Bean	Hileman
Bell	Hobbs
Benton	Howard
Blankenship	Howington
Boone	Hoyo
Brawner	Huddleston
Bray	Huffman
Bridgers	Hughes
Brown	Humphrey
Bruhl	Hutchinson
Bullock	Isaacks
Bundy	Jones
Burnaman	Kelly
Carlton	Kennedy
Carrington	Kersey
Cato	Kinard
Celaya	King
Chambers	Klingeman
Clark	Knight
Cleveland	Lansberry
Coker	Lehman
Colson, Mrs.	Leyendecker
Connelly	Little
Craig	Love
Crossley	Lowry
Crosthwait	Lucas
Daniel	Lyle
Davis	McAlister
Deen	McCann
Dickson of Bexar	McDonald
Dickson of Nolan	McGlasson
Donald	McLellan
Dove	McNamara
Duckett	McMurry
Dwyer	Manning
Ellis	Markle
Eubank	Martin
Evans	Matthews
Favors	Mills
Ferguson	Montgomery
Files	Moore
Fuchs	Morgan
Gandy	Morris
Garland	Morse
Gilmer	Murray
Goodman	Nicholson
Halsey	Pace
Hanna	Parker
Hardeman	Pevehouse